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## OFFICE OF PETITIONS

In re Application of :  
ALEXOPOULOS et al : DECISION GRANTING FILING  
Application No. 10/600,730 : DATE OF JUNE 20, 2003  
Filed: June 20, 2003 :  
Attorney Docket No. HITG.028USD1 :  
:

This is a decision on the petition under 37 CFR 1.10(d), filed July 15, 2003, requesting that the above-identified application be accorded a filing date of June 20, 2003, rather than the presently accorded filing date of June 21, 2003, which latter date appears on the copy of the Express Mail label submitted with the instant petition.<sup>1</sup>

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on June 20, 2003. In support, petitioner has supplied a copy of his USPS receipt dated June 20, 2003, at 4:13 p.m., which bears, *inter alia*, Express Mail label No. EV 309495695 US." The transmittal for the instant application contains a certificate of mailing under 37 CFR 1.10 with the same Express Mail label number appearing on the corporate account statement.

Further, an independent search was made of the USPS Express Mail Track and Confirm records which resulted in a finding that the package in question was in fact accepted on June 20, 2003 at the Minneapolis, MN USPS. Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on June 20, 2003. Accordingly, the

<sup>1</sup> While the USPTO computer database does not yet indicate that a filing date other than June 20, 2003 has been assigned to this application, based on the image file wrapper copy of the transmittal for the instant application and the evidence supplied by petitioner herein; i.e., a copy of a stamped return post card bearing a June 21, 2003 receipt date, the application would, in all likelihood, be assigned a filing date of June 21, 2003, rather than the June 20, 2003 date requested by this petition.



instant application is entitled to a filing date of June 20, 2003, and has been so accorded.

The petition is granted.

Telephone inquiries specific to this decision on petition should be directed to Frances Hicks at (703) 305-8680.

Brian Hearn

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for Patent Examination Policy